

The Authoritative Resource for Safe Drinking Water

July 30, 2003

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-B204  
Washington, DC 20554

CG Docket No. 02-278

Dear Ms. Salas,

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to the improvement of drinking water quality and supply. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our 57,000-plus members represent the full spectrum of the drinking water community: treatment plant operators and managers, environmental advocates, scientists, academicians, and others who hold a genuine interest in water supply and public health. Our membership includes more than 4,700 utilities that supply roughly 80 percent of the nation's drinking water.

We are writing out of concern for one section of the recently promulgated rule stemming from the Telephone Consumer Protection Act (TCPA). That section addresses faxed advertisements. We believe that a number of clarifications of this rulemaking are necessary on these questions:

1. Does this rule prohibit a professional association from sending faxed advertisements to its own membership?
2. Are there specific criteria for determining which fax transmissions are commercial in nature as opposed to informational or advocacy?
3. Does written consent to a national association to receive faxed ads extend to state or regional chapters?
4. Does written consent expire when membership expires?

In addition, we would like to express disagreement with the FCC decision to modify current regulations by doing away with the "established business relationship" provision pertaining to fax advertisements. This revision will place onerous administrative and economic burdens on associations by requiring "expressed written consent" from members prior to sending a fax advertisement.

These changes will create a significant economic and labor-intensive burden for AWWA. Not only will the adjustment in the TCPA require signed written consent to allow transmission of faxes containing unsolicited advertisements, it could even be interpreted to require written consent for faxes pertaining to events such as annual meetings.

While these changes may be suitable for residential telephone numbers, as the new Do Not Call registry provides, they are certainly not acceptable for association-to-member facsimile communications. AWWA relies faxes as a prime source of communication and marketing to meet the needs of its members.

Further, we question the apparent conflict of philosophy in the overall rulemaking in that tax-exempt groups are exempted from the section on telemarketing, but are not exempted from the faxed advertisement section.

We appreciate the opportunity to make this statement on the new rule, and are willing to work with the Federal Communications Commission to resolve these issues.

Sincerely,

A handwritten signature in black ink that reads "Tom Curtis". The signature is written in a cursive, flowing style.

Tom Curtis  
Deputy Executive Director